SENATE, No. 2517

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 28, 2020

Sponsored by:

Senator STEPHEN M. SWEENEY
District 3 (Cumberland, Gloucester and Salem)
Senator LORETTA WEINBERG

District 37 (Bergen)

Co-Sponsored by:

Senators Addiego, Diegnan, Greenstein and Ruiz

SYNOPSIS

Establishes program to adopt paratransit best practices, requires greater coordination among paratransit service providers, and establishes regional paratransit coordinating councils; appropriates \$6 million.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/27/2020)

AN ACT concerning paratransit services, the establishment of regional paratransit coordinating councils, supplementing Title 27 and Title 30 of the Revised Statutes, and making an appropriation.

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BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

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1. This act shall be known and may be cited as the "Paratransit Services Improvement Act."

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2. The Legislature hereby finds and declares:

The current system for paratransit services is fragmented and includes various providers from different levels of government as well as from private enterprise in different regions, counties, and service areas. The ultimate impact of the current system is poor service, including but not limited to long trip times and poor communication of trip status, and high costs.

Access Link, which is a program administered by the New Jersey Transit Corporation that was established to enable the State to meet the minimum standards of the federal "Americans with Disabilities Act of 1990" (42 U.S.C. s.12101 et seq.), provides the majority of paratransit trips in the State. The Access Link Program, which has a very high per trip cost, should serve as a safety net for paratransit within the State, not as the primary provider of paratransit services within the State as is currently the case. Community organizations that provide paratransit services for individuals with developmental disabilities have provided evidence to the Legislature that certain paratransit services may be provided that are objectively safer, have shorter average trip times, and cost less per passenger mile. The average cost per trip for Access Link trips is, in many cases, triple the cost of similar paratransit services. Accordingly, it should be an objective of the State to direct service for regular and recurring paratransit trips away from Access Link, where possible, and toward other providers, including those funded through the Department of Human Services and the Division of Vocational Rehabilitation Services within the Department of Labor and Workforce Development, to both improve the quality of service and reduce costs, effectively using Access Link as a paratransit provider of last resort.

In addition to Access Link, county transit providers provide paratransit services to senior citizens and individuals with disabilities. The level of service available varies widely from county to county and the source of State funding for these services, the Casino Revenue Fund, has experienced reduced revenues in recent years. Furthermore, organizations at the county level have been charged by the New Jersey Transit Corporation with

developing local coordination transportation plans within each county but often lack knowledge of best practices, do not coordinate regionally, and many organizations do not have common platforms or systems for requesting, sharing, and completing trips.

Direct administrative connections and coordination between agencies and organizations that provide programs and services for disabled persons, generally, and transit agencies that provide transit trips for those individuals would assist the State in improving the quality of service and reducing State costs.

Building these relationships will help the State, community organizations, and transit agencies develop best practices for providing paratransit services, which will lead to additional improvements in the quality of services and additional reductions in costs.

The current system is insufficient to meet the needs of persons with disabilities in the State, including the use of routing software that has proven to be wholly inadequate to serve the special needs of the disabled community.

It is essential that the State improve coordination, share best practices, advance proven models, and improve the efficiency of the system.

3. For the purposes of P.L. , c. (C.) (pending before the Legislature as this bill):

"Community organization" means an organization that provides programs and services to persons with disabilities.

"County transit agency" means a transportation service organized under or in conjunction with a county government to provide trips to senior citizens and residents with disabilities under the "Senior Citizen and Disabled Resident Transportation Assistance Act," P.L.1983, c.578 (C.27:25-25 et seq.).

"Division" means, unless another meaning clearly applies, the Division of Developmental Disabilities in the Department of Human Services.

"Paratransit provider" means any organization or entity that provides paratransit services, including State and local transit agencies, directly or through contract service, and community organizations that provide transportation trips, either directly or through a third party, funded by the Department of Human Services or the Division of Vocational Rehabilitation Services within the Department of Labor and Workforce Development.

"Paratransit service" means and includes any transportation service other than fixed route transportation service, except that. "paratransit service" does not include private or charter services provided by taxicabs, limousines, or transportation network companies.

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4. The corporation shall ensure that all paratransit service that it directly manages, administers, or supports financially, including but not limited to Access Link service, shall adhere to the following standards:

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All paratransit providers shall implement an open software platform such that the customer's user-interface and the trip planning software can interact with the platforms of other paratransit providers, allowing a trip requested by a customer via the user interface to be fulfilled by a paratransit provider that chooses to utilize a compatible platform without any additional action on the part of the customer. Specifically, the open software platform shall be interoperable with software developed pursuant to subparagraph (1) of subsection b. of section P.L., c. (C.) (pending before the Legislature as this bill).

b. The corporation shall structure the Access Link program as a service of last resort. In structuring the program in this way, the corporation shall: (1) actively develop a methodology whereby customer trips can be tracked, and identify any trips requested by customers that are regular and recurring in nature; (2) track and document these regular and recurring trips by pickup location, source of the request such as by phone, website, or mobile application, and relevant regular or recurring characteristics, such as, but not limited to, daily, weekly, monthly intervals, or several trips from a single source or to a single destination; (3) make information about these regular and recurring trips available to other paratransit providers in the State, including county transit agencies and community organizations that provide transportation service, either directly or through a third party, funded by the Department of Human Services or the Division of Vocational Rehabilitation Services within the Department of Labor and Workforce Development; (4) develop a system that allows county transit agencies and community organizations that provide paratransit service to compete to conduct these regular and recurring trips, which would have otherwise been provided under the Access Link program, by establishing a new Access Link program structure where the corporation is able to realize contract or operating cost savings when it shifts requested regular and routine trips from the primary Access Link provider to a paratransit provider that is able to provide these trips at a lower cost; (5) develop a system that provides a payment equal to a portion of the savings from the shifting of trips in paragraph (4) of this subsection to the paratransit provider that provides the trips in place of the Access link provider; and (6) shift trips out of the Access Link program entirely, and to other State agencies or entities if it is found that a regular and recurring trip requested through the Access Link program is better provided under a different program through the Department of Human Services or the Department of Labor and

Workforce Development, especially those trip requests that would not otherwise be eligible to be provided under the Access Link program.

- c. Following the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), the corporation shall not enter into any contract, or exercise any option to extend an existing contract, concerning the provision of Access Link service unless the contract or option includes a provision that the fixed costs of the contract or option shall be proportionately reduced to reflect any reduction in the provision of regular and recurring trips provided by the contractor that are subsequently fulfilled by another paratransit provider. The corporation shall establish minimum operating standards for any paratransit provider that may wish to participate in this program to ensure that all applicable federal standards are met by the paratransit provider and that adequate safeguards are provided to customers.
- d. The corporation shall utilize the paratransit best practices training module developed pursuant to subsection b. of section 5 of P.L., c. (C.) (pending before the Legislature as this bill) in meeting the requirements of this section. The corporation, when establishing the open software platform, required pursuant to subsection a. of this section, shall ensure that the platform is affordable for the corporation to adopt and easily implemented by the various paratransit providers that will utilize the software platform.

- 5. a. (1) The Division of Developmental Disabilities within the Department of Human Services, in consultation with the New Jersey Transit Corporation, shall develop and implement a paratransit best practices pilot program.
- (2) The division, in consultation with the New Jersey Transit Corporation, shall select a qualified community organization to assist it in developing and implementing the pilot program. The qualified community organization shall meet the following criteria:
- (a) the organization shall operate a facility that provides services to persons with intellectual or developmental disabilities;
- (b) the organization shall directly provide paratransit services to persons with disabilities with those services paid, in whole or in part, by funds received from the Department of Human Services and the Division of Vocational Rehabilitation Services within the Department of Labor and Workforce Development;
- (c) within the previous five years, the organization has received a Federal Transit Administration grant awarded by and administered through the New Jersey Transit Corporation for improvement to paratransit services;
- 46 (d) during the previous five-year period, the organization has 47 demonstrated improvement in key performance metrics, including

average trip time, vehicle accidents, and cost per passenger mile for paratransit services; and

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- (e) the organization provides transportation trips on a sufficient scale, including at least 250 daily trips under normal operating conditions.
 - b. Phase one of the pilot program shall include the following:

A training module for paratransit best practices shall be developed jointly by the qualified community organization and the New Jersey Transit Corporation and subject to approval by the The training module shall include: (1) an integrated division. paratransit software package that includes trip generation and scheduling, GPS directions for drivers, a mobile application for users that allows for trip requests, confirmation of trip requests, and trip status updates, and a trip accounting system; (2) a driver safety system that includes dashboard cameras, incident monitoring, and driver training; (3) assistance in hiring staff if necessary to fully implement the transportation system and train existing staff in the use of new technologies and business processes; (4) a curriculum that educates agencies about fleet management and specialized driver training for the needs of paratransit users; (5) personalized agency culture training; and (6) agency training on how to develop synergies between optimal transportation practices and the other programmatic needs of paratransit providers who provide transportation trips funded by the Department of Human Services.

c. Phase two of the pilot program shall include the following:

The division shall establish an application process where up to five paratransit providers that provide transportation trips directly funded by the Department of Human Services or the Division of Vocational Rehabilitation Services within the Department of Labor and Workforce Development are selected by the division, in consultation with the qualified community organization, to receive training in paratransit best practices from the qualified community organization. When selecting service providers to receive training, the division shall consider the cost for the paratransit provider to adopt these best practices, which may include but is not necessarily limited to the acquisition of new software, hiring of staff, and any necessary changes in vehicle fleet composition as well as potential savings that the paratransit provider will be likely to realize from reducing average trip time, vehicle accidents, and cost per passenger mile by adopting these best practices and the likelihood that those savings could self-fund the adoption of the best practices. Any paratransit providers selected to participate in the pilot program shall receive training from the qualified community organization.

- d. Phase three of the pilot program shall include the following:
- (1) If the efficiencies realized by the paratransit providers that received training in phase two are sufficient to justify widespread

adoption, then the division and corporation, in consultation with the qualified community organization, shall expand the training program by further developing the module into a best practices training package designed in a manner that allows a paratransit provider to independently adopt the best practices and software on its own, or in conjunction with assistance provided generally through the paratransit coordinating councils established in accordance with section 6 of P.L., c. (C.) (pending before the Legislature as this bill). It is intended that this phase three training module shall allow for the eventual integration of paratransit services throughout the State. Integration of paratransit services shall mean the widespread adoption of the software developed pursuant to phase one of the pilot program, or similarly compatible software, so that requested trips by customers may be fulfilled, if possible, by any applicable paratransit provider, and that paratransit providers shall meet the minimum operating standards established by the New Jersey Transit Corporation so that those paratransit providers may compete for regular and routine Access Link trips under the revised Access Link program as described in section 4 of P.L., c. (C.) (pending before the Legislature as this bill).

If the efficiencies realized in phase two do not justify expansion of the training program further, then the division and corporation, in consultation with the qualified community organization, shall determine an alternate method of integrating paratransit services throughout the State in a manner that allows paratransit providers that meet minimum operating standards to compete for regular and routine Access Link trips under the revised Access Link program as described in section 4 of P.L. , c. (C.) (pending before the Legislature as this bill).

- (2) The regional paratransit coordinating councils shall be established in accordance with section 6 of P.L. , c. (C.) (pending before the Legislature as this bill).
- e. The New Jersey Transit Corporation shall utilize the complete paratransit best practices training module, including the associated software, when making changes to its paratransit service and the Access Link program to comply with the requirements of section 4 of P.L. , c. (C.) (pending before the Legislature as this bill).
- f. (1) The New Jersey Transit Corporation shall enter into a contract with the qualified community organization that compensates the qualified community organization for its costs in developing the paratransit best practices training module as required for phase one of the pilot program as established in subsection b. of this section, and providing the training module as a publicly available resource that can be utilized by other paratransit providers in the State and used by the corporation for its own paratransit

- 1 services. If phases one and two of the pilot program are determined 2 to be successful, the corporation shall also enter into a contract with 3 the qualified community organization to further develop the training 4 module into a self-administered best practices training package as 5 required for phase three of the pilot program in subsection d. of this section. The self-administered best practices training package shall 6 7 also be a publicly available resource that can be utilized by other 8 paratransit providers in the State and by the corporation for its own 9 paratransit services.
 - (2) The division shall enter into a contract with the qualified community organization for the actual training of agencies under the pilot program, which shall include performance standards as the division shall deem appropriate to ensure that the agencies being trained are adequately prepared to implement safer, more efficient, user friendly, and customer-focused transportation services.
 - (3) To the extent possible, the division shall require paratransit providers being trained under the program to first utilize operating savings resulting from adoption of the paratransit best practices training pilot program to fund the costs of software, staff, and equipment that may be required under the program, and limiting the overall costs of the program.

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- 6. a. There is hereby established within the Department of Human Services six separate regional paratransit coordinating councils. The regional paratransit coordinating councils shall be organized as follows:
- (1) one council shall cover the counties of Atlantic, Cape May, Cumberland, Gloucester, and Salem;
- (2) one council shall cover the counties of Burlington, Camden, and Ocean;
- 31 (3) one council shall cover the counties of Mercer, Middlesex, 32 and Monmouth;
 - (4) one council shall cover the counties of Hunterdon, Sussex, and Warren;
- (5) one council shall cover the counties of Essex, Morris,Somerset, and Union; and
 - (6) one council shall cover the counties of Bergen, Hudson, and Passaic.
- b. Each regional paratransit coordinating council shall have thefollowing members:
- 41 (1) one designee of the Director of the Division of 42 Developmental Disabilities in the Department of Human Services;
- 43 (2) one designee of the New Jersey Transit Corporation who 44 works on the Access Link program or the Senior Citizen and 45 Disabled Resident Transportation Assistance Program;

(3) one representative of any company or entity that has contracted with the New Jersey Transit Corporation to provide Access Link paratransit service within the region;

- (4) one representative of each county within the respective region to be chosen by the county executive director or by the board of freeholders, as applicable;
- (5) one representative of each county transportation agency or other comparable entity within the respective region that provides paratransit service for a county under the Senior Citizen and Disabled Resident Transportation Assistance Program;
- (6) one representative from each county chapter of the Arc of New Jersey within the respective region;
- (7) one individual that represents one or more members of the Alliance for the Betterment of Citizens with Disabilities within the respective region;
- (8) one representative of Community Access Unlimited within the respective region;
- (9) one representative of the New Jersey Association of Community Providers within the respective region; and
- (10) up to three additional appointees of the Director of the Division of Developmental Disabilities to represent paratransit providers within the region that provide the most passenger trips to persons with disabilities.
- c. Each agency with an eligible representative of a regional paratransit coordinating council provided in subsection b. of this section shall submit information in a form and manner determined by the Director of the Division of Developmental Disabilities to the director not later than 30 days following the enactment of P.L. , c.
-) (pending before the Legislature as this bill) and on or before January 1 of each year thereafter identifying the name and contact information for the person to represent each respective agency. The term for each member on the regional paratransit coordinating council shall be one year provided, however, that any member may be selected to serve on the council for subsequent terms at the discretion of the respective agency. The director may appoint one member of each regional paratransit coordinating council to serve as the chair of that council.
 - d. Each regional paratransit coordinating council shall meet not less than quarterly, with the first meeting happening not less than 60 days following the enactment of P.L. , c. (C.) (pending before the Legislature as this bill). The chair, in consultation with the other members of the council, shall set meeting dates and shall lead the coordination effort. The members shall serve without compensation but may be reimbursed by the division for reasonable expenses incurred in the execution of their duties.
- e. The purpose of the regional paratransit coordinating councils is to exchange best practices among paratransit providers within the

1 State. Those best practices shall include but are not limited to 2 scheduling and routing, fleet maintenance, driver training, customer 3 communications, safety practices, and improving the customer 4 usability experience. The councils are also to establish a system to 5 exchange information among and between paratransit providers and 6 eventually open platform standards so that: (1) each paratransit 7 provider may provide basic information to its customers about other 8 paratransit service options within each respective region; (2) 9 paratransit providers may eventually share customer trip requests 10 amongst each other; and (3) a single platform may eventually be 11 developed that enables a paratransit user to visit a single platform or 12 place to request a trip, and that trip may be distributed amongst the 13 paratransit providers in a manner that optimizes State cost and 14 customer experience. The councils shall also exchange budget 15 information and investigate more efficient means of organizing the 16 New Jersey Transit Corporation's expenditures for paratransit 17 services, use of State casino revenue funds, and appropriations for 18 the division related to paratransit services, for the purpose of 19 coordinating these three respective funding pools to eliminate any 20 duplicative funding, and to direct trips and funding to service 21 providers that offer the highest quality service and overall best 22 value.

The county plans required under section 6 of P.L.1983, c.578 (C.27:25-30) and any committees or groups organized to effectuate the purposes of the "Senior Citizen and Disabled Resident Transportation Assistance Act," P.L.1983, c.578 (C.27:25-25 et seq.) shall be consolidated into the regional paratransit coordinating councils. If necessary, county level subcommittees of the regional paratransit coordinating councils may be established to more effectively develop county plans; however, following the) (pending before the effective date of P.L. , c. (C. Legislature as this bill) county plans shall also take into account the larger regional and Statewide goals of integrating paratransit service and creating a more cohesive user experience under the pilot program established in P.L. , c. (C.) (pending before the Legislature as this bill).

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g. The New Jersey Transit Corporation shall utilize each regional paratransit coordinating council to disseminate information about the new Access Link program structure developed pursuant to section 4 of P.L. , c. (C.) (pending before the Legislature as this bill) and coordinate with the council in determining the operating standards required for paratransit providers to compete to provide Access Link trips and when developing the system for paying paratransit providers to provide regular and routine trips requested through the Access Link program.

h. The regional paratransit coordinating councils shall also advise other paratransit providers in each region and develop

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support materials to assist other paratransit providers in adopting and implementing the best practices training package developed under phase three of the pilot program established pursuant to paragraph (1) of subsection d. of section 5 of P.L. , c. (C.) (pending before the Legislature as this bill).

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7. The division, in consultation with the New Jersey Transit Corporation, shall develop a framework to evaluate the efficacy of the paratransit best practices training materials as well as the training program. Within 180 days of the completion of phase two and within 180 days of completion of phase three of the pilot program, the division shall deliver a report to the Governor and the Legislature. Each report shall include feedback from the agencies that received training, a fiscal analysis of each agency with projections on how the implementation of the training will impact each agency's safety performance, average trip times, cost per trip, number of trips provided, and overall impact on each agency's core mission of serving people with disabilities. The division and corporation shall conduct a survey of consumers of paratransit services within the pilot program and shall include feedback from these consumers in the report. The report shall include recommendations from the division and the New Jersey Transit Corporation concerning whether the pilot program should be extended or made permanent, suggested changes to the program, opportunities for improvement, and the potential for future savings. The report shall also identify the extent to which software from the pilot has been integrated into the corporation's paratransit services, the analysis that determined how to execute the integration required under the first part of phase three of the pilot program, and findings from the division and the corporation about the overall change in coordination between paratransit providers throughout the State at the time of the report.

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8. There is appropriated from the General Fund to The New Jersey Transit Corporation up to \$4,000,000 from a portion of the additional Federal Transit Administration funds granted in FY 2020 under the Section 5307 Urbanized Area Program, pursuant to the provisions of the "Coronavirus Aid, Relief, and Economic Security Act," Pub.L.116-136, exclusively for eligible costs to develop the paratransit best practices training module, including but not limited to, software development and licensing costs as required pursuant to section 5 of P.L. , c. (C.) (pending before the Legislature as this bill).

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9. There is appropriated \$2,000,000 from the General Fund to the Division of Developmental Disabilities in the Department of Human Services, which shall be used to fund the paratransit training

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1 pilot program established pursuant section 5 of 2 P.L., c. (C.) (pending before the Legislature as this bill).

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10. This act shall take effect immediately.

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STATEMENT

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This bill reforms the State's system of providing paratransit services. The goal of the reforms is to better integrate the various types of paratransit service currently offered in the State, allow lower cost providers to provide more of the trips, and ensure that best practices are adopted across the State.

The bill requires the New Jersey Transit Corporation (NJ Transit) to better integrate its paratransit services with other paratransit services. Under the bill, this is achieved by requiring NJ Transit to ensure that all paratransit service that it directly manages, administers, or supports financially develops an open software platform that will be compatible with the software used by other The bill requires NJ Transit to begin paratransit providers. identifying regular and recurring trips, and to develop a system where other paratransit providers can complete those trips on behalf of NJ Transit if the provider can meet applicable federal standards, provide the trip at a lower cost, and protect customer safety. The bill also requires NJ Transit to develop an Access Link program structure that allows NJ Transit to realize cost savings when reducing Access Link trip volumes, and to share those savings with paratransit providers that meet minimum federal standards and successfully compete for regular and routine trips under this new system. The bill also encourages NJ Transit to move trips requested under the Access Link program to other State based programs entirely, especially if those trip requests are not eligible under the Access Link program. This is intended to provide greater integration of paratransit service across the State, so that NJ Transit can allow paratransit providers to compete for regular and routine Access Link trips.

The bill requires the establishment of a best practices pilot training program for paratransit providers. The program is to be run by the Division of Developmental Disabilities (division) in consultation with NJ Transit and a qualified community organization to be selected by the division. Under the first phase of the program, the qualified community organization and NJ Transit will develop a paratransit best practices training module, with final approval from the division. Under the second phase, the division is to select five paratransit providers, upon application, to receive training in paratransit best practices under the pilot program. The qualified community organization will then provide the training to

1 each of the five paratransit providers under a training contract with 2 The training will include modern trip making the division. 3 software, trip confirmation, scheduling, a mobile phone application 4 for customers, dashboard camera safety technology, as well as 5 agency-wide and individual employee training and guidance. 6 Depending upon the success of phase two of the pilot, phase three 7 will involve either revising the training module into a training 8 program that other paratransit providers can adopt without direct 9 training from the qualified community organization, or NJ Transit, 10 the division, and the qualified community organization will 11 determine some other method of integrating paratransit service so 12 that paratransit providers meeting certain standards can compete for 13 regular and routine paratransit trips. The second part of phase three 14 involves the establishment of regional paratransit coordinating 15 councils.

16 The bill creates new regional paratransit coordinating councils 17 (coordinating councils). The coordinating councils are to be located 18 within the Department of Human Services. There are to be six 19 coordinating councils divided geographically 20 Membership on the coordinating councils include the division, NJ 21 Transit, NJ Transit Access Link contractors from each service 22 region, county government, county paratransit system operators, 23 several listed community organizations, and up to three additional 24 paratransit providers from each region as chosen by the division. 25 The coordinating councils are to meet at least quarterly and share 26 best practices. They are also required to establish a system to 27 exchange information between paratransit providers and eventually 28 develop open platform standards and share budget information. The 29 coordinating councils will replace the county based councils used to 30 develop county plans under the Senior Citizen and Disabled 31 Resident Transportation Assistance Program, but the councils may 32 establish county level subcommittees for this purpose. The county 33 plans also must now account for the efforts of this bill to integrate 34 Statewide paratransit service under a unified platform and 35 improving Statewide coordination across geography and across 36 agency. The coordinating councils are also to be utilized by NJ 37 Transit to develop its revised Access Link program so that the 38 paratransit providers on the council can be used as a resource when 39 allowing paratransit providers to compete for regular and routine 40 Access Link trips. Finally the coordinating councils are to serve as 41 a resource and develop materials to assist other paratransit 42 providers in achieving the integration objectives in the first part of 43 phase three of the pilot program, either through the revised training 44 module or the alternate solution developed.

The bill requires the division to issue a report with NJ Transit to the Governor and the Legislature at the end of the pilot program with information on the pilot program and a recommendation on

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1 whether or not to continue the pilot program, as well as an analysis of the decisions made about how to proceed with the Statewide 2 3 integration required in the first part of the third phase of the pilot 4 program. The division and NJ Transit are also required to survey 5 users about how their user experience is impacted by the pilot program and changes to the Access Link program, and report on 6 7 how each have impacted paratransit users. The bill provides a supplemental appropriation of federal funds 8

The bill provides a supplemental appropriation of federal funds to NJ Transit for the cost of developing the training module and related software development, and a general fund appropriation to the division for the cost of the pilot's phase two training program.

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